

Civil Action -Original

SUMMONS

**IN THE SUPERIOR COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS & ST JOHN**

2008 NOV 21 PM 2:45
SUPERIOR COURT
OF THE VIRGIN ISLANDS

Plaintiff:

Stan Roberson, CEO Jilapuhn Inc
d/b/a Her Majesty's Credit Union
and Members

vs.

Defendant:

Michael Nelson, Counsel and the
Federal Reserve Bank of New York

CIVIL NO: 575/08

ACTION FOR: Injunctive relief for the
Federal Reserve Bank of New York and
Michael Nelson to acknowledge that Her
Majesty's Credit Union is a lawful Credit
Union under VI Code Title 13 and is eligible
to have a FRB account as well as pay
damages in the amount of \$10,000.00

THE GOVERNMENT OF THE VIRGIN ISLANDS:

TO: Michael Nelson and the Federal Reserve Bank of New York, Defendant
Address: 33 Liberty St, New York, New York 10045

Within the time limited by law (see note below) you are hereby required to appear before this Court and answer to a complaint filed against you in this action and in case of your failure to appear or answer, judgment by default will be taken against you as demanded in the complaint for:

Witness my hand and seal of this Court this 24th day of November, 2008

VENETIA H. VELASQUEZ, ESQ.
Clerk of the Court

Stan Roberson
Attorney for Plaintiff

Address: 12015 E 46th Ave Ste 420, Denver, CO 80239 By DEPUTY

NOTE: The defendant, if served personally, is required to file his answer or other defense with the clerk of the court, and to serve a copy thereof upon the plaintiff's attorney within twenty (20) days after service of this summons, excluding the date of service. The defendant, if served by publication or by personal service outside of the jurisdiction, is required to file his answer or other defense with the clerk of this court, and to serve a copy thereof upon the attorney for the plaintiff within 30 days after the completion of the period of publication or personal service outside of the jurisdiction.

RETURN OF SERVICE

I hereby certify that I received this summons on the _____ Day of _____
And that thereafter, on the _____ day of _____, I did serve the same on
the above named defendant, Michael Nelson and the Federal Reserve Bank of New York by showing
_____ this original and be then delivering to _____ a copy of the complaint and of the summons which
were forwarded to me attached thereto.

Marshal

Deputy

I. Wherefore the said Plaintiff claims that Michael Nelson Counsel and the Federal Reserve Bank of New York are denying the members of Her Majesty's Credit Union of the Virgin Islands, the necessary right of having a routing and transit number for the sole purpose of credit union functionality for members by failing to acknowledge that HMCU is a lawful credit union and by **NOT** stating that HMCU is eligible for a Federal Reserve Bank Account in New York to Accuity. Michael Nelson acting on behalf of the Federal Reserve Bank of New York has willfully and maliciously denied the credit unions membership of the underserved community of the Virgin Islands a basic right to choose and have the convenience of electronic banking that is required of all institutions in the United States.

II. Her Majesty's Credit Union is a licensed credit union under Virgin Islands Code Title 13, Chapter 7 (Cooperatives Corporations) with an active license number of 1-1006451-2008 and business number of 1006767. Under Virgin Islands Code Title 13, Chapter 7, and Section 588 (Regulation and Control of Cooperatives and Credit Unions)

- (a) The Director of the Consumer Services Administration shall be responsible for the general supervision, regulation and control of cooperatives and credit unions organized pursuant to this chapter and for the enforcement of the provisions of this chapter.

Michael Nelson and the Federal Reserve Bank of New York is under the opinion that Her Majesty's Credit Union is not entitled to a routing and transit number because the Virgin Islands Code does not allow for the regulation of the credit union under the Banking and Insurance Division and is thus not a regulated institution. Virgin Islands Code Title 13 Chapter 7, Section 588 clearly states that the general regulation and supervision belongs to the Consumer Services Administration as does the licensing of said credit union. Her Majesty's credit union followed all Virgin Islands statutes according to the requirements set forth by the Consumer Services Administration and was able to be licensed as a credit union under that statute and has members according to the regulation.

III. Accuity is the agency given the authority to issue routing and transit numbers to all institutions in the United States of America. In doing so, Accuity must follow the ABA routing number policy which indicates that a routing number will only be issued to a financial institution that is eligible for an account at the Federal Reserve Bank. Accuity asked the Federal Reserve Bank of New York to comment on the eligibility of Her Majesty's Credit Union under section 19(b)(1)(A)(iv) of the Federal Reserve Act, a credit union is a depository institution and eligible for an account at a Reserve Bank if it is an insured credit union under the FCUA or eligible to make application for insurance pursuant to section 201 of the FCUA.

IV. Her Majesty's Credit Union (HMCU) is an insured credit union under the FCUA and has demonstrated that to the Consumer Services Administration (Licensing and Regulating Agent as required by VI law) and thus was issued a full license to commence business. HMCU has commenced business and part of the order of business for HMCU is to have the Federal Reserve Bank of New York indicate to Accuity that HMCU is

eligible for an account at the Reserve Bank. HMCU does not desire nor will have an account at the Reserve Bank but the entity is in need of a Routing and Transit Number to adhere to all Federal Regulations regarding the Bank Secrecy Act, The Anti-Money Laundering Act and the Patriot Act. The membership of HMCU is in need and has the basic right as American citizens to have funds electronically moved in and out of their account via a routing and transit number assigned to the institution. By the Federal Reserve Bank of New York not indicating that HMCU is an eligible institution for an account at the Reserve Bank under Virgin Islands Code Title 13, to Accuity places the institution in violation of Federal Law requiring all institutions to adhere to the aforementioned Acts to monitor terrorism and money laundering and thus denies the members of HMCU a basic right to select and choose an institution of their choice for financial services.

V.HMCU is a privately insured institution and is not required to carry federal insurance by federal law or territory law. Neither the Federal Credit Union Act nor the Federal Reserve Act stipulate what state or territory agency should regulate institutions. Under Virgin Islands Law Title 9 Banks are regulated by Division of Banking and Insurance and under Title 13 Credit Unions are regulated by the Department of Licensing and Consumer Affairs both Departments come directly under the Lieutenant Governor's Office and are served by and answer to the Lt Governors office. Many states have a banking division and credit union division that regulate their respective institutions but are headed by the same cabinet as in the Virgin Islands.

VI. Therefore, HMCU requests that the court rule that according to Virgin Islands Law, HMCU is a financial institution and is thus eligible for an account at the Reserve Bank under those provisions and HMCU seeks damages from Michael Nelson and the Federal Reserve Bank of New York collectively in the amount of \$10,000.00 in United States Currency for the willful denial of HMCU to obtain an ABA number from Accuity and causing the institution to be out of compliance with Federal Law as well as denial of the members of HMCU as an association to have a basic right to electronic funds capability.

ATTACHMENTS:

Exhibit A: License

Exhibit B: Application for an ABA Number

Control No. 1005718

License No. 1-1006451-2008

**THE GOVERNMENT OF THE VIRGIN ISLANDS
DEPARTMENT OF LICENSING AND CONSUMER AFFAIRS
LICENSING DIVISION**

Hereby Makes Known

That, in accordance with the applicable provisions of Title 3 Chapter 16 and Title 27 V.I.C. relating to the licensing of businesses and occupations, and compliance having been made with the provisions of 10 V.I.C. Sec. 41 relating to the Civil Rights Act of the Virgin Islands, the following licensing is hereby granted

Licensee Jilapuhn Inc	
Trade Name Her Majesty's Credit Union	
Licensee Mailing Address P. O. Box 7428 St Thomas, VI 00802	Trade Address 148-105 Estate Tutu St. Thomas
Business No. 1006767	
<p align="center">Type of License</p> <p align="center">CREDIT UNION SERVICES (1)</p>	

As provided by law, the authorized licensing authority shall have the power to revoke or suspend any License issued hereunder, upon finding, after notice and adequate hearing, that such revocation or suspension is in the public interest; provided, that any persons aggrieved by any such decision of this office shall be entitled to a review of the same by the Territorial Court upon appeal made within 30 days from the date of the decision; provided, further, that all decisions of this office hereunder shall be final except upon specific findings by the Court that the same was arrived at by fraud or illegal means.

2008

This License is valid from 8/14/2008 until 8/13/2009. If a renewal is desired, the holder is responsible for making application for the same without any notice from this office. In event of failure to do so it will be understood that the business is without legal authority to continue and will be closed. It is the responsibility of the Licensee to notify the department in writing within 30 days, when a license is to be cancelled or placed in inactive status.

Issued at St. Thomas, V.I. 8/14/2008
Printed on 8/14/2008
Fee ~~\$8.00~~ 130.00



Commissioner, Department of Licensing and Consumer Affairs

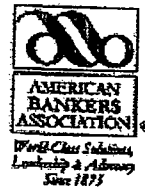
THIS LICENSE MUST BE PROMINENTLY DISPLAYED AT PLACE OF BUSINESS
YOU MAY BE REQUIRED TO HAVE A FIRE INSPECTION IN ORDER TO RENEW (Title 23, § 605(d))
CONTACT FIRE DEPARTMENT at (340) 774-7610

ABA ROUTING NUMBER APPLICATION

Page 1 of 4



ROUTING NUMBER APPLICATION
Accuity is the official Registrar for the
American Bankers Association.



1. APPLICANT INSTITUTION (must be the Institution requesting the routing number)

Full legal title:

Jilapuhn Inc d/b/a Her Majesty's Credit Union

Charter Address

4611 Tutu Park

Phone

303.395.1881

County

St Thomas

City

Charlotte Amalie

State

VI

Zip

00802

Contact name

Stan Roberson

Title

CEO

Phone

303.395.1881

Contact Address

12015 E 46th Ave Ste 420

City

Denver

State

CO

Zip

80239

Fax

303.562.2751

Contact E-mail

stan.roberson@jilapuhninc.com

Presentment Point* (see terminology of the Routing Number Policy) Address for requested Routing Number:

4611 Tutu Park

County

St Thomas

City

Charlotte Amalie

State

VI

Zip

00802

Address of the Office of the Bank Responsible for the Routing Number*:

12015 E 46th Ave Ste 420

County

Denver

City

Denver

State

CO

Zip

80239

Is this location your institution's principal office?

Yes ☒ No ☐

2. TYPE OF INSTITUTION/CHARTER

Chartering Organization or Agency: (OCC, OTS, State DFI, etc.)

Department of Licensing Consumer Affairs

Contact name (at Chartering Organization or Agency)

Kenrick Robertson

Phone

340-774-3130

Type of Charter

(Full Service Commercial Bank, Limited Purpose Commercial Bank, Saving Assn, Credit Union, etc.):

Credit Union

Charter approval:

Preliminary received on:

1-15-2008

Final Received on:

8-14-2008

Please include a copy of your institution's preliminary or final charter approval for a de novo bank and/or new branches.

Anticipated date of opening: (You **MUST** call us on the day your institution/branch is open for business)

11-1-2008

3. REGULATOR/EXAMINER (please check all that apply)

☐ FDIC☐ NCUA

☐ Office of the Comptroller of the
Currency

☐ Office of Thrift Supervision☐ Federal Reserve

☒ State Banking Authority

ABA ROUTING NUMBER APPLICATION

Page 2 of 4

4. ELIGIBILITY REQUIREMENTS

Is your institution eligible to maintain an account at a Federal Reserve Bank?

☒ Yes ☐ No

Fed contact name:

Clem Maglione

Phone:

201.531.3633

Have you contacted your local Federal Reserve regarding collection arrangements?

☐ Yes ☒ No

Fed contact name:

Phone:

If no, please indicate alternate arrangements:

This institution has a corporate account

If this application is for an additional ABA, please explain how will the number be used: (Existing institutions only)

The application takes approximately three weeks to process upon receipt of complete application. Incomplete information will delay processing.

*See terminology of the Routing Number Policy.

AGREEMENT

The applicant understands that its authority to provide financial or payment services is governed by the charter granted by your chartering agency. The assignment of a routing number to the applicant institution does not expand the powers of that institution as specified in its charter, articles of association or rules and regulations of the chartering agency.

Additionally:

- 1) The applicant affirms that it is a state or federally chartered institution, eligible to maintain an account at a Federal Reserve Bank.
- 2) The applicant agrees to abide by the Routing Number policy of the Routing Number Administrative Board of the ABA.
- ☐ 3) The applicant agrees that the assignment or use of an assigned routing number conveys no rights of ownership to the number
- 4) The applicant agrees that an assigned routing number cannot be transferred to another institution without the permission of the Routing Number Administrative Board.
- 5) The applicant agrees to give up the Routing Number: should it relinquish its charter or if for any reason the continued retention of the Routing Number no longer meets the eligibility criteria established in the Routing Number Policy of the Routing Number Administrative Board.
- 6) A nominal licensing fee will be charged annually for each assigned number. The fee, which is currently \$90, provides for the administration expenses required to maintain each number in the Routing Number system, and may be adjusted as expenses warrant.

Please list the contact name and address for Routing Number licensing fee billing purposes:

Contact Name:

John Williams

Address:

P.O. Box 172353, Denver, CO 80217

This application must be signed by an officer of the applicant institution.

Signed:

Title:

CEO

Name:(please print)

Stan Roberson

Date:

10-13-2008

Please send completed application, appropriate documentation and a check payable to Accuity to cover research and processing to:

Mailing Address

Accuity

PO Box 916

Skokie, IL 60076-0916

Physical Address

Accuity

4709 Golf Road

Skokie, IL 60076

ABA ROUTING NUMBER APPLICATION

Page 3 of 4

Attn: Routing Number Registrar

Attn: Routing Number Registrar

Or fax it to **847.933.8040** or email it as a PDF attachment to Registrar@AccuitySolutions.com

In certain cases, additional documentation may be requested to process the routing number application.

The application fee is \$425 if applying for the institution's first routing number, or \$550 if applying for any additional routing number.

Check enclosed: **Please Bill Me: (Accuity will send the invoice to the above billing contact name)**
☐ \$425 ☐ \$550 ☒ \$425 ☐ \$550

The application takes approximately three weeks to process upon receipt of complete application. Incomplete information will delay processing.
Your request will be forwarded to the Federal Reserve Office in your district for verification. When the application is returned to us from the Federal Reserve, we will send you an official assignment of the number. For information on applying for a Traveler's Check routing number, Electronic Transaction Identifier routing number or transfer of routing number, please contact the Routing Number Registrar at the address above.

ROUTING NUMBER APPLICATION CHECK LIST

NEW INSTITUTIONS

- ☒ Completed application. Incomplete applications may delay processing.
- ☒ Provide a contact name for billing purposes on agreement page.
- ☒ Sign the agreement.
- ☒ A copy of the preliminary charter approval from the chartering agency. The chartering agency is either the OCC, OTS or the State's DFI where your institution is being chartered. NCUA for federal credit unions and the state's DFI for credit unions. Do not send FDIC approvals.
- ☐ A check for \$425 made out to Accuity. or ☒ Bill me.
- ☐ The application can take approximately three weeks to complete upon receipt of complete application and above documentation.

EXISTING INSTITUTIONS BRANCH/ADDITIONAL ROUTING NUMBERS

- ☐ Completed application. Incomplete applications may delay processing.
- ☐ Provide a contact name for billing purposes on agreement page.
- ☐ Sign the agreement.
- ☐ If the number is for a branch outside the bank's head office, state and FED territory, provide a copy of the approval from the regulator. (OCC, OTS, state DFI or NCUA)
- ☐ If the number is for controlled disbursement, cash management or any other purpose, please attach a letter explaining the reason for the request.

ABA ROUTING NUMBER APPLICATION

Page 4 of 4

☐ A check for \$550 made out to Accuity. or ☐ Bill me.

☐ The application can take approximately three weeks to complete upon receipt of complete application and above documentation.

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